

JACOB M. HEATH (STATE BAR NO. 238959)  
jheath@orrick.com  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
1000 Marsh Road  
Menlo Park, CA 94025  
Telephone: +1 650 614 7400  
Facsimile: +1 650614 7401

Michael Moates,  
*Pro per* Plaintiff

MELISSA LEVIN (STATE BAR NO. 328146)  
melissalevin@orrick.com  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
The Orrick Building  
405 Howard Street  
San Francisco, CA 94105-2669  
Telephone: +1 415 773 5700  
Facsimile: +1 415 773 5759

Attorneys for Defendant META PLATFORMS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL MOATES,

Plaintiff,

v.

FACEBOOK, INC.

Defendant.

Case No. 3:22-cv-04478-JD

**JOINT STIPULATION AND  
[PROPOSED] ORDER TO EXTEND  
PLAINTIFF'S TIME TO FILE HIS  
AMENDED COMPLAINT**

1 Plaintiff Michael Moates and Defendant Meta Platforms, Inc. (“Meta”) (f/k/a Facebook)  
2 (collectively the “Parties”), by and through their counsel of record, hereby stipulate, subject to  
3 approval of the Court, as follows:

4 1. On November 19, 2020, Plaintiff filed a Complaint against Meta in the United States  
5 District Court for the Eastern District of Texas, which was captioned *Moates v. Facebook, Inc.*,  
6 Case No. 4:20-cv-00896.

7 2. On December 28, 2020, Plaintiff filed a Second Amended Complaint (“SAC”),  
8 asserting claims for (1) fraud; (2) breach of contract; (3) violation of civil rights; (4) violation of  
9 antitrust laws; (5) data theft; (6) violation of contract; (7) violation of regulation FD, unfair  
10 practices, insider trading; and (8) violation of right to privacy.

11 3. On February 3, 2021, Meta moved to dismiss Plaintiff’s SAC and to transfer the  
12 action (4:20-cv-00896) to the U.S. District Court for the Northern District of California pursuant to  
13 28 U.S.C. § 1404(a).

14 4. On May 14, 2021, the assigned magistrate judge issued a report and  
15 recommendation that the action (4:20-cv-00896) be transferred to the U.S. District Court for the  
16 Northern District of California.

17 5. On August 4, 2021, before the action (4:20-cv-00896) was transferred, Plaintiff  
18 voluntarily dismissed the action.

19 6. On July 29, 2021, Plaintiff filed an Original Petition against Meta in the 31st District  
20 Court of Denton County, which was captioned *Moates v. Facebook, Inc.*, Case No. 21-6407-431.  
21 On August 23, 2021, Plaintiff filed an Amended Petition.

22 7. On September 9, 2021, Meta removed the state court action (21-6407-431) to the  
23 United States District Court for the Eastern District of Texas pursuant to 28 U.S.C. §§ 1332, 1441,  
24 and 1446. *Moates v. Facebook, Inc.*, Case No. 4:21-cv-00694.

25 8. On July 12, 2022, the Court granted Meta’s motion to transfer and transferred the  
26 case to the Northern District of California. *Moates v. Facebook, Inc.*, Case No. 22-cv-04478-SK.

9. On September 30, 2022, the matter was reassigned to the Honorable Judge James Donato. The Court set the Case Management Conference to December 1, 2022, at 10:00 A.M.

10. On December 1, 2022, Meta attended the Case Management Conference. The Court granted Plaintiff's Motion for Leave to Amend and ordered Plaintiff to file his amended complaint by December 22, 2022.

11. Due to the upcoming holidays, which would impact both Plaintiff's deadline to file an amended complaint and Meta's subsequent deadline to file its motion to dismiss, the parties have met and conferred in good faith and have agreed, subject to the Court's approval, to extend Plaintiff's deadline to file an amended complaint to January 9, 2022.

12. It is therefore stipulated and agreed by and between the Parties:

Plaintiff's deadline to file amended complaint shall be **January 9, 2022**.

Dated: December 12, 2022

Respectfully submitted,

ORRICK, HERRINGTON & SUTTCLIFFE LLP

By: /s/ Jacob M. Heath  
Jacob M. Heath

*Attorney for Defendants Meta Platforms, Inc.*

By: /s/ Michael Moates  
Michael Moates

*Pro per Plaintiff*

CIVIL LOCAL RULE 5-1(i)(3) ATTESTATION

I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories hereto.

Dated: December 12, 2022

By: /s/ Jacob M. Heath  
JACOB M. HEATH

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE JAMES DONATO  
United States District Judge

JOINT STIPULATION AND [PROPOSED] ORDER TO SET BRIEFING SCHEDULE  
CASE NO. 3:22-CV-04478-JD